

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SPRINT COMMUNICATIONS)
COMPANY L.P. FOR AN EXEMPTION FROM)
THE REGULATION OF ENHANCED SERVICES)
CASE NO. 92-361

O R D E R

This matter arising upon petition of Sprint Communications Company L.P. ("Sprint") filed June 18, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the market analysis contained in Appendix "A" to Sprint's response to Item 1(b) of the Commission's May 13, 1993 Order on the grounds that disclosure of the information is likely to cause Sprint competitive injury, and it appearing to this Commission as follows:

In this proceeding, Sprint seeks an exemption from regulation for its enhanced services. On May 13, 1993, the Commission by Order directed Sprint to furnish certain information concerning its enhanced services. Included in the Order as Item 1(b) was the request that Sprint identify its enhanced service offerings and list the other providers with whom it competes in furnishing enhanced services. In responding to the request, Sprint listed its Value-Added Network service as one of its enhanced service offerings and included a market analysis of that service. By this petition, Sprint seeks to protect the market analysis as confidential.

The information sought to be protected is not known outside of Sprint and is not distributed within Sprint except to those employees who have a business need to know and act upon the information. Sprint seeks to preserve the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The Value-Added Network is used by subscribers to transmit data between computers from one location to another. The market analysis sought to be protected analyzes both the current market for such services and the projected market for the future. The information, which has been compiled by Sprint, would be useful to Sprint's competitors in formulating competing market strategies.

Therefore, the information has competitive value and should be protected as confidential.

This Commission being otherwise sufficiently advised,

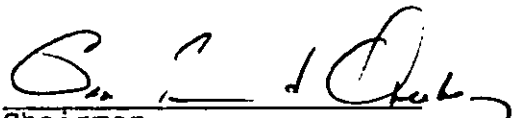
IT IS ORDERED that:


1. The market analysis attached as Appendix "A" to Sprint's response to Item 1(b) of the Commission's May 13, 1993 Order, which Sprint has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

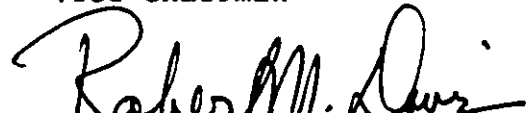
2. In the event Sprint releases the information for general publication or no longer protects it as confidential, it shall immediately notify the Commission, and in such event, the information shall be placed in the public record.

Done at Frankfort, Kentucky, this 23rd day of August, 1993.

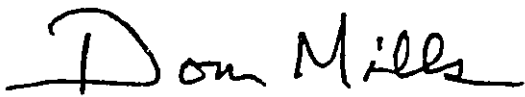
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director